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Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

February 23, 2010

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**VIA E-FILING**

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W., Room #100  
Washington, DC 20423-0001

**Re: Abandonment Exemption of the Brea Chemical Industrial Lead from M.P. 507.5 to M.P. 508.65, near the City of Brea, a distance of 1.35 miles in Orange County, California; STB Docket No. AB-33 (Sub-No. 281X)**

Dear Ms. Brown:

Attached for filing in the above-referenced docket is the Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after March 18, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "M. H. Shumate, Jr.", written over a horizontal line.

Attachment

cc: All Concerned Parties

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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Docket No. AB-33 (Sub-No. 281X)**

**UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN ORANGE COUNTY, CA  
(BREA CHEMICAL INDUSTRIAL LEAD)**

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**Combined Environmental and Historic Report**

**UNION PACIFIC RAILROAD COMPANY**

**Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, #1920  
Chicago, Illinois 60606  
312/777-2055 (Telephone)  
312/777-2065 (Facsimile)**

**Dated: February 23, 2010  
Filed: February 23, 2010**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Docket No. AB-33 (Sub-No. 281X)**  
**UNION PACIFIC RAILROAD COMPANY**  
**-- ABANDONMENT EXEMPTION --**  
**IN ORANGE COUNTY, CA**  
**(BREA CHEMICAL INDUSTRIAL LEAD)**

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**Combined Environmental and Historic Report**

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Brea Chemical Industrial Lead, from Milepost 507.5 to Milepost 508.65 near the City of Brea, a distance of 1.35 miles in Orange County, California (the "Line"). The Line traverses U.S. Postal Service Zip Code 92821. UP anticipates that it will file a Notice of Exemption to abandon the Line on or after March 18, 2010.

A map of the Line (**Attachment No. 1**), and UP's letter to federal, state and local government agencies (**Attachment No. 2**) are attached to this EHR. UP has received no responses thus far to UP's letter to federal, state and local governmental agencies.

**ENVIRONMENTAL REPORT**  
**49 C.F.R. § 1105.7(e)**

**(1) Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other

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structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

**Response:** The proposed action involves an exempt abandonment of UP's Brea Chemical Industrial Lead. The Line proposed for abandonment extends from Milepost from Milepost 507.5 to Milepost 508.65 near the City of Brea, a distance of 1.35 miles in Orange County, California. A map of the Line is attached as **Attachment No. 1.**

The Line was constructed in 1911 by the Pacific Electric Railway. The Line is comprised of 132 pound welded rail laid down in 1968 and 1969. Currently only half the track which makes up the Line, approximately 3,780 feet of track, remains in place. This track is cut into 39 foot lengths in anticipation of panelization by UP's Engineering Department. UP's Real Estate Department has negotiated an agreement to sell almost all of the Line to the City of Brea for an extension of the City's park system. The Line is the end of a short industrial lead and there are no customers nor industrial track agreements in effect on said Line. UP references these facts to the Board for purposes of presenting an accurate record as to the current condition of the Line. The right-of-way is suitable for alternate public use. It is the intention of UP to close the transfer of almost all of the Line under the contract with the City of Brea for trail and park use. There is no reversionary property on the Line.

Based upon information in UP's possession, the Line does not contain any federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

After abandonment, the closest rail service will continue to be provided by Union Pacific in the City of Brea on the remaining portion of the Line. In addition, BNSF freight

service, and Amtrak and commuter passenger service, is available a few miles southwest in the City of Fullerton, CA.

Additionally, the City of Brea lies in the heart of the Los Angeles basin and is well served by major local roads, feeder routes and the multi-lane state Highway 57.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic or passenger service on the Line. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the two year period.

**(2) Transportation System.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

**Response:** Given that no traffic uses the Line, the proposed abandonment will have no impact on area transportation systems and patterns.

**(3) Land Use.**

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

**Response:** (i) UP is unaware of any adverse effects on local and existing land use plans. The Orange County Board of Supervisors Office has been contacted. To date, UP has received no response.

(ii) The Natural Resources Conservation Service ("NRCS") has been contacted. To date, UP has received no response.

(iii) Not Applicable.

(iv) The right of way may be suitable for alternate public use. It is the intention of UP to sell most of the right-of-way to the City of Brea for trail and park use.

**(4) Energy.**

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

**Response:** (i) There are no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the proposed action.

(iv)(A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

(5) Air. (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

**Response:** UP does not anticipate any such effects.

(5) Air. (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

**Response:** There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

**(5) Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

**Response:** The proposed action will not affect the transportation of ozone depleting materials.

**(6) Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

**Response:** Not applicable.

**(7) Safety.**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

**Response:** (i) The proposed action will have no detrimental effects on public health and safety.



(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

**(8) Biological resources.**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

**Response:** (i) The U.S. Fish and Wildlife Service has been contacted. To date, UP has received no response.

(ii) The National Park Service has been contacted. To date, UP has received no response.

**(9) Water.**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

**Response:** (i) The U. S. Environmental Protection Agency Regional Office and California Environmental Protection Agency have been contacted. To date, UP has received no response.

(ii) The U. S. Army Corps of Engineers has been contacted. To date, UP has received no response.

(iii) UP does not anticipate that there will be any requirements for Section 402 permits.

**(10) Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

**Response:** There are no known adverse environmental impacts.

**HISTORIC REPORT**  
**49 C.F.R. § 1105.8(d)**

**(1)** A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

**Response:** See Attachment No. 1.

**(2)** A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

**Response:** The topography is generally level and the Line did serve an area of mixed commercial, industrial, and residential use in the City of Brea. The right-of-way width is generally 125 feet.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

**Response:** Not applicable.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

**Response:** Not applicable.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

**Response:** See UP's response to question (1) in the Environmental Report for a brief history and description.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

**Response:** UP does not have any relevant documentation.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

**Response:** At this time, UP knows of no historic sites or structures or archeological resources on the Line. UP is of the opinion that there is nothing in the scope of the proposed abandonment or discontinuance of service that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been repeatedly disturbed during the construction of the Line in 1911, rehabilitation

activities of welded rail laid down in 1968 and 1969 and on-going maintenance of the Line.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

**Response:** UP does not have any such readily available information.

(9) Within thirty (30) days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

**Response:** Not applicable.

Dated this 23<sup>rd</sup> day of February, 2010.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.

Senior General Attorney

101 North Wacker Drive, #1920

Chicago, Illinois 60606

312/777-2055 (Telephone)

312/777-2065 (Facsimile)

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 281X), the Brea Chemical Industrial Lead in Orange County, California was filed electronically on the 23<sup>rd</sup> day of February, 2010, on the following parties:

**State Clearinghouse (or alternate):**

Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

**State Environmental Protection Agency:**

California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95814

**State Coastal Zone Management Agency  
(if applicable):**

California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

**Head of County:**

Orange County Board of Supervisors  
12 Civic Center Plz # 106  
Santa Ana, CA 92701-4072

**Environmental Protection Agency  
(Regional Office):**

Water Quality Control Region 4  
101 Center Plaza Drive  
Monterey Park, CA 91754

**State Historic Preservation Office:**

California Department of Parks and  
Recreation Office of Historic Preservation  
1416 9<sup>th</sup> Street, Room 1442  
P. O. Box 942896  
Sacramento, CA 94296-0001

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 8  
2800 Cottage Way W-2606  
Sacramento, CA 95825

**U.S. Army Corps of Engineers:**

U.S. Army Corps of Engineers,  
Los Angeles District  
911 Wilshire Boulevard  
Los Angeles, CA 90017

**National Park Service:**

National Park Service  
Pacific West Region  
One Jackson Center  
1111 Jackson Street, Suite 700  
Oakland, CA 94607

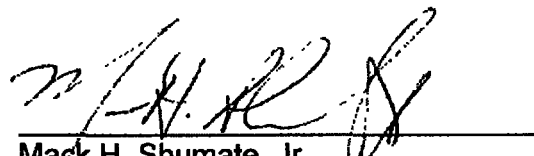
**U.S. Natural Resources Conservation  
Service:**

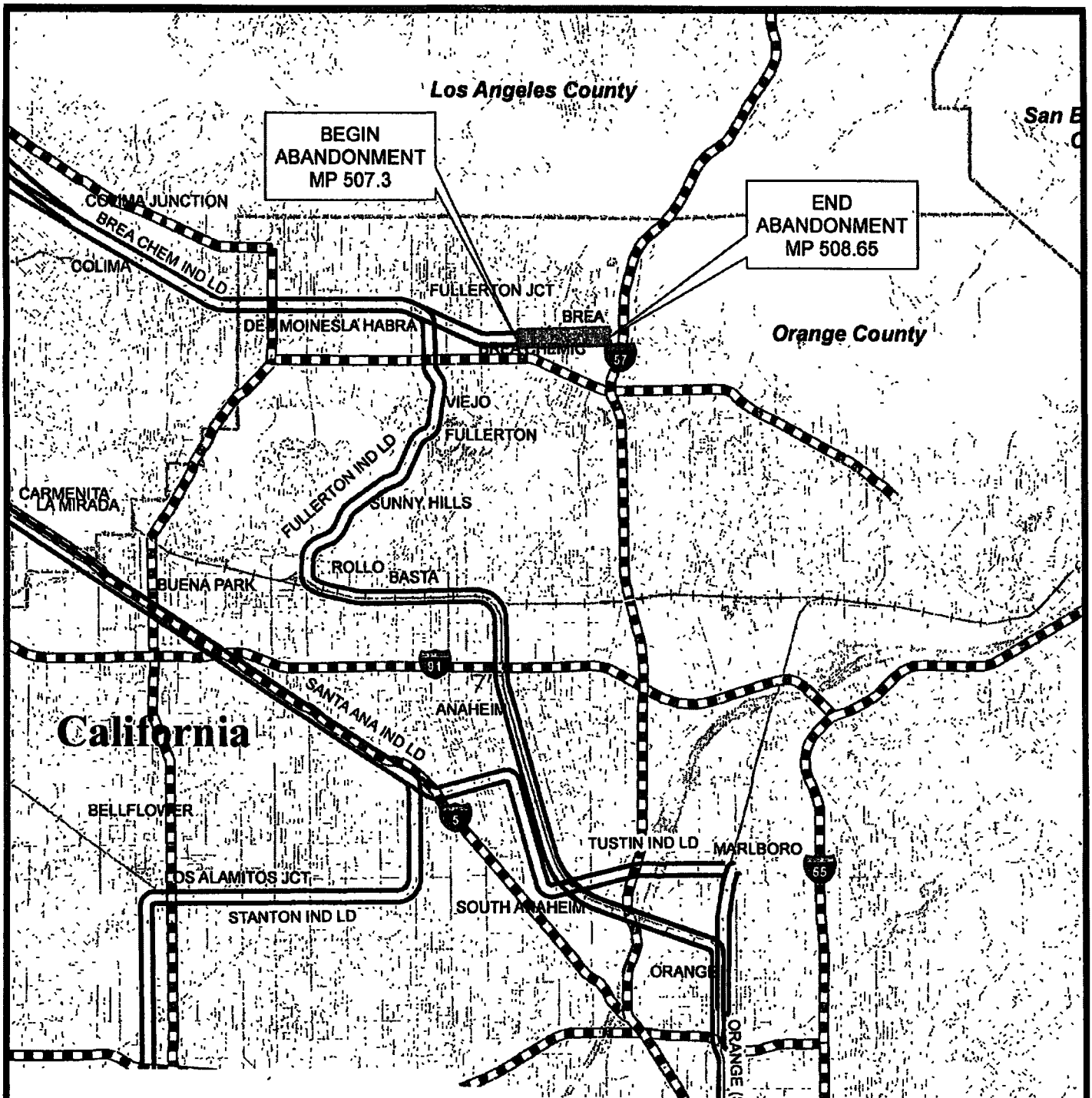
State Conservationist  
Natural Resource Conservation Service  
4625 W Jennifer Ave., Ste. 109  
Fresno, CA 93722

**National Geodetic Survey:**







National Geodetic Survey  
Geodetic Services Division  
Information Services  
NOAA/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

Dated this 23<sup>rd</sup> day of February, 2010.

  
Mack H. Shumate, Jr.



## Legend

-  50 + YEAR OLD STRUCTURES
-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

## BREA CHEMICAL INDUSTRIAL LEAD

MP 507.3 TO MP 508.65  
TOTAL OF 1.35 MILES IN ORANGE COUNTY  
IN CALIFORNIA

UNION PACIFIC RAILROAD CO.  
BREA CHEMICAL INDUSTRIAL LEAD  
CALIFORNIA

INCLUDING 50+ YEAR OLD STRUCTURES





May 20, 2009

**State Clearinghouse (or alternate):**

Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

**State Environmental Protection Agency:**

California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95814

**State Coastal Zone Management Agency  
(if applicable):**

California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

**Head of each County:**

Office of Supervisor Bill Campbell  
10 Civic Center Plaza  
Santa Ana, CA 92701

**Environmental Protection Agency  
(Regional Office):**

U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 1  
911 NE 11th Avenue  
Portland, OR 97232-4181

**U.S. Army Corps of Engineers:**

U. S. Army Corps of Engineers,  
Los Angeles District  
915 Wilshire Blvd. Suite 980  
Los Angeles, CA 90017

**National Park Service:**

National Park Service  
Pacific West Region  
One Jackson Center  
1111 Jackson Street, Suite 700  
Oakland, CA 94607

**U.S. Natural Resources Conservation Service:**

State Conservationist  
Natural Resource Conservation Service  
430 G Street, #4164  
Davis, CA 95616-4164

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

California Department of Parks and Recreation  
Office of Historic Preservation  
P. O. Box 942896  
Sacramento, CA 94296-0001

Re: Proposed Abandonment of the Brea Chemical Industrial Lead from Milepost 507.3 near Chemic to Milepost 508.65 near Brea, a distance of 1.35 miles in Orange County, California, STB Docket No. AB-33 (Sub-No. 281x)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Brea Chemical Industrial Lead from Milepost 507.3 near Chemic to Milepost 508.65 near Brea, a distance of 1.35 miles in Orange County, California. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

**LOCAL AND/OR REGIONAL PLANNING AGENCIES.** State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

**U. S. SOIL CONSERVATION SERVICE.** State the effect of the proposed action on any prime agricultural land.

**U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed).** State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

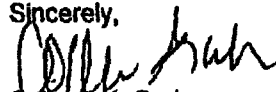
**STATE WATER QUALITY OFFICIALS.** State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

**U. S. ARMY CORPS OF ENGINEERS.** State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

**U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY).** (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to the undersigned. If you need further information, please contact me at (402) 544-1643.

Sincerely,



Colleen K. Graham

Paralegal

Union Pacific Railroad

Law Department

1400 Douglas St.

Stop 1580 Omaha, NE 68179

(w) 402-544-1643

[cgraham@up.com](mailto:cgraham@up.com)

CKG/

Enclosure(s)